PA 14-94—sSB 357
Energy and Technology Committee
Environment Committee

AN ACT CONCERNING CONNECTICUT'S RECYCLING AND MATERIALS MANAGEMENT STRATEGY, THE UNDERGROUND DAMAGE PREVENTION PROGRAM AND REVISIONS TO ENERGY AND ENVIRONMENTAL STATUTES

SUMMARY: This act makes numerous unrelated changes in the energy and environment statutes. Among other things, it:

1. (a) dissolves the Connecticut Resources Recovery Authority (CRRA) and establishes the Materials Innovation and Recycling Authority (MIRA) as a successor authority; (b) revises the authority's activities, powers, and purposes; and (c) requires the Department of Energy and Environmental Protection (DEEP) commissioner, with MIRA, to seek proposals to redevelop the Connecticut Solid Waste Management System Project;
2. requires the DEEP commissioner, in consultation with municipalities, to revise the state's solid waste management plan;
3. expands the DEEP-operated electricity purchasing pool and requires it to solicit proposals from Class II trash-to-energy facilities;
4. modifies certain product energy efficiency compliance standards;
5. requires new regulations for state building energy efficiency standards based on the federal Environmental Protection Agency's (EPA) national energy performance rating system and Energy Star Target Finder tool;
6. dissolves the Connecticut Energy Advisory Board (CEAB) and eliminates the request for proposal (RFP) process it had to conduct when applications for siting certain facilities were filed with the Connecticut Siting Council;
7. makes NuPower Thermal, LLC a thermal energy transportation company named the Bridgeport Thermal Limited Liability Company;
8. renames the Clean Energy Finance and Investment Authority (CEFIA) as the Connecticut Green Bank and expands its commercial property assessed clean energy program (C-PACE) to include microgrids;
9. increases the maximum length of the in-service date extension provided for certain Project 150 projects;
10. changes the maximum cable TV late charge to 8% of the balance due, instead of 8% of the balance due per year (§ 27);
11. allows electric companies to recover their costs, investments, and lost revenues incurred from on-bill repayment programs established for residential clean energy and heating equipment financing programs (§ 31);
12. entitles electric companies to recover costs incurred under certain DEEP-mandated power purchasing agreements;

13. expands the scope of, and makes several other changes to, the state's Call Before You Dig program;
14. allows the Public Utilities Regulatory Authority (PURA), under certain circumstances and in consultation with the Department of Public Health (DPH), to order a water company to extend its system to supply water to properties served by a deficient well system;
15. modifies how certain gas company revenues are used to offset the costs of expanding the company's infrastructure;
16. limits property tax exemptions for a solar thermal or geothermal energy system to the amount that the system's unconventional portions increase the property's assessed value;
17. modifies certain electric supplier consumer protections provided by PA 14-75; and
18. eliminates requirements that DEEP (a) identify solid waste facilities available for municipalities without landfills or certain disposal contracts and (b) submit reports on the state's electronics recycling program to the Environment Committee.

The act also makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, unless otherwise noted.

§§ 1, 3-8, 10-15, & 17 — CRRA

§§ 1 & 5 — CRRA Dissolution

The act dissolves CRRA and establishes MIRA as a successor authority. It transfers CRRA's functions, powers, and duties to MIRA and eliminates a provision granting the authority all the power it needs to meet its responsibilities (see BACKGROUND).

§§ 5-8, 15, & 17 — Authority Activities, Powers, and Purposes

The act revises the authority's activities, powers, and purposes by:

1. eliminating its (a) power to condemn real property for public purposes, (b) ability to help DEEP prepare and revise the solid waste management plan, and (c) ability to appoint advisory councils on things such as source-separation and recycling;
2. expanding its ability to do anything necessary to conduct its comprehensive solid waste program by including reuse and recycling;
3. reducing the number of votes needed, from two-thirds to a simple majority of its board of directors, to approve the authority's annual operations plan;
4. specifying that its purposes exclude activities on statewide recycling education and promoting or establishing statewide solid waste management or policy;
5. decreasing, from 70 to 45 people, the statutory cap on how many people the authority may employ;
6. requiring a two-thirds vote of the authority's board before spending $50,000 or more for an outside consultant; and
7. allowing the municipal officials on the authority's board to be municipal

employees with extensive public works or waste management and recycling experience.

The act also limits the authority's purpose of helping develop industry, technology, and commercial enterprise related to certain solid waste processes in the state. It does so by requiring the development to be (1) on the authority's property, (2) in consultation with the DEEP commissioner, and (3) according to the statewide solid waste management plan.

§ 3 — Connecticut Solid Waste System Project Redevelopment

The act requires the DEEP commissioner, by January 1, 2016, to request proposals from solid waste materials management services providers to redevelop the Connecticut Solid Waste System Project. He must do this in consultation with MIRA. The types of services involved may include such things as recycling, reuse, and energy and fuel recovery, but not waste collection or transportation services.

Of the submitted proposals, the commissioner may select up to three providers to each conduct a feasibility study with MIRA's cooperation. Any study must be finished by January 1, 2017, with the final proposal submitted to the commissioner by July 1, 2017. The commissioner must (1) allow the public to review and comment on a study and (2) submit a report on the proposals' nature and status to the Energy and Technology, Environment, and Legislative Management committees by September 15, 2017. The Energy and Technology and Environment committees can hold a joint public hearing on the report within 30 days after receiving it, at which the commissioner, or his designee, must testify and take comments from the committee.

By December 31, 2017, the commissioner must choose one final proposal and direct MIRA to enter into an agreement with the selected provider to redevelop the project. The act requires the commissioner to consider the following factors when choosing the final proposal:

1. consistency with the waste management goals and strategies provided in the state's solid waste management plan (see below);
2. whether the proposal is in the best interest of municipalities contracting with MIRA, including maintaining or reducing current tipping fees for contracted waste;
3. the provider's proposed investment level;
4. potential positive impacts on the state's economic development;
5. public comments on the feasibility studies; and
6. other factors consistent with the act that the commissioner considers relevant to redeveloping the Connecticut Solid Waste System Project.

The act specifies that selection of a final proposal must not be construed as a legislative mandate on MIRA's ability to require customers to remain under contract.

§ 4 — Nonprofit Recycling Foundation and Council

The act establishes a non-stock, nonprofit corporation called Recycle CT Foundation, Inc. as a state-chartered foundation organized under Connecticut law.

It requires the foundation to:

1. target and promote coordination and support of research and education activities and public information programs to increase the state's reuse and recycling rate, according to the state's solid waste management plan and
2. receive, administer, and disburse gifts, grants, endowments, or other funds to support solid waste management research and education activities.

It also creates the Recycle CT Foundation Council and requires it to seek nonprofit tax-exempt status. The council must solicit and accept funds for Recycle CT Foundation, Inc., which must be used for grants to programs that seek to increase solid waste material reuse and recycling in Connecticut.

The council must prescribe the grant application form and set the criteria and procedures for awarding the grants. Possible grant recipients must apply to the council and may include nonprofits, civic and community groups, schools, public agencies, municipalities and regional entities that represent them, and private-sector organizations.

The council consists of the following 11 members:

1. the DEEP and economic and community development commissioners or their designees;
2. five gubernatorial appointees; and
3. four members, one each appointed by the House speaker, Senate president pro tempore, and the House and Senate minority leaders.

The governor appoints the council's chairperson whose term is coterminous with the governor's. The other council members serve up to three two-year terms. Council vacancies must be filled by appointing authorities and members receive no compensation for their service.

§§ 10-14 & 82 — CRRA Ash Residue Disposal Areas

The act repeals CRRA's authority to establish up to four ash residue disposal sites in the state. CRRA has not established an ash disposal site in the state, and in 2009 it resolved to indefinitely suspend efforts to develop one.

EFFECTIVE DATE: Upon passage, except for the staffing reduction provision and a technical change, which take effect January 1, 2015.

§ 2 — SOLID WASTE MANAGEMENT PLAN

By law, the state's solid waste management plan provides goals and strategies and establishes a priority order for managing solid waste generated in the state. The act requires the DEEP commissioner to revise the plan by July 1, 2016 and consult with municipalities when doing so. As part of the revision process, the commissioner must submit the revised plan to the Environment Committee by February 1, 2016. The committee can hold a hearing within 30 days after receiving the plan, at which the commissioner, or his designee, must testify and take comments from the committee.

Prior law required the plan to include a strategy to recycle at least 25% of the state's solid waste. The act (1) includes source reduction and reuse in the strategy and (2) increases the percentage to at least 60% of the solid waste generated after

January 1, 2024. It also requires the new strategy to include (1) modernizing solid waste management infrastructure throughout the state, through the efforts of private, public, and quasi-public entities; (2) promoting organic materials management; and (3) recycling construction and demolition debris.

Prior law required the strategy to include, among other things, recommendations for assigning municipalities to regional recycling programs. The act instead requires the recommendations to be for developing municipal or regional recycling programs.

§ 9 — ELECTRICITY PURCHASING POOL

Pool Purpose and Municipal Grants

By law, DEEP operates a purchasing pool to buy electricity for state operations and certain low-income households. The act expands the pool's purpose to include buying electricity for municipal operations in municipalities that elect to participate. It also authorizes the DEEP commissioner to provide grants to municipalities that join the pool and commit to achieve the state's diversion, recycling, and reuse goals, including those provided in the state's solid waste management plan.

Electric Supplier Proposals

When operating the purchasing pool, the act allows the commissioner, on behalf of any state agency, municipality, or institution of higher education, to solicit proposals from electric suppliers for electric generation services to (1) buy electricity for state and municipal operations and (2) meet the state's energy policy goals described in the commissioner's comprehensive energy strategy.

The act requires the commissioner, by January 1, 2020, to solicit proposals from retail electric suppliers for the state and any participating municipality or higher education institution. He must conduct at least one solicitation by January 1, 2015. Any proposal responding to a solicitation for 370,000 or fewer megawatt hours of electricity per year must include at least 60% of its power from Class II renewable energy sources generated at permitted trash-to-energy facilities built by January 1, 2013.

The commissioner must choose the electric service based on criteria such as the (1) delivered price; (2) Class II facility's practices to further the state's diversion, reduction, reuse, and recycling goals; and (3) degree to which a proposal includes a greater (a) percentage of trash-to-energy in the fuel mix and (b) number of trash-to-energy facilities involved. The commissioner must select proposals that meet these requirements by January 1, 2020. They must provide at least 370,000 megawatt hours of electricity per year for a total of least five consecutive years with at least 60% of it supplied from Class II renewable energy sources.

The act caps the (1) term of any selected proposal at five years and (2) price at one-half cent per kilowatt hour above the standard generation service price when the solicitation is issued.

If no proposal includes at least 60% of its power from Class II renewable

energy sources generated at permitted trash-to-energy facilities built by January 1, 2013, the act allows the commissioner to select proposals with the highest percentage of electricity from these Class II sources. The same price cap applies.

If the purchasing pool exceeds 370,000 megawatt hours per year, the additional power selected by the commissioner does not need to meet the 60% Class II requirement, but must meet the other selection criteria as described above.

Municipal Electric Energy Cooperatives

The act allows the Connecticut Municipal Electric Energy Cooperative (CMEEC), which supplies power for municipal electric utilities, to contract with the purchasing pool or any energy improvement district to buy and sell power. CMEEC cannot charge any electric cooperative participant for the costs directly associated with, or reasonably allocable to, seeking to provide or providing these generation services. When supplying power to the purchasing pool or an energy improvement district, CMEEC must comply with the state's renewable portfolio standard but is not subject to licensing requirements for electric suppliers.

§ 16 — SOLID WASTE FACILITY PERMITS

By law, solid waste facilities must obtain modified permits before they substantively change their volume process or operation. The act exempts a facility from this requirement if it (1) adds 75 tons or less per day of mattresses and items designated by the DEEP commissioner for recycling, but not storage batteries and waste oil; (2) does not exceed its permitted storage capacity; and (3) notifies the commissioner of the addition in writing within 30 days after adding the recyclables.

§ 18 — PRODUCT ENERGY EFFICIENCY STANDARDS

The law subjects a variety of products (e.g., commercial clothes washers and DVD players) to state energy efficiency standards and requires their manufacturers to certify their compliance with DEEP. The act limits this requirement to those products (1) for which DEEP adopted efficiency standards and (2) that do not have efficiency standards in California. It also requires DEEP to publish on its website a list showing whether covered new products are certified in California or, if not, have met DEEP's efficiency standards.
EFFECTIVE DATE: October 1, 2014

§ 19 — STATE BUILDING ENERGY EFFICIENCY STANDARDS

New Standards

The act requires the DEEP commissioner, in consultation with the commissioner of the Department of Administrative Services (DAS), to adopt new regulations for state building construction standards, including a standard for including electric vehicle charging stations. The standards under the new regulations must achieve at least 75 points on the EPA's national energy

performance rating system, as determined by its Energy Star Target Finder tool. (The Target Finder tool is an online calculator to help architects, engineers, and property owners assess the energy performance of commercial building designs.) The DEEP commissioner must adopt the regulations by January 1, 2015 and may update them if he deems it necessary.

Exemptions

The act also modifies the exemptions to the regulations for state building construction standards. Prior law required the DEEP commissioner, in consultation with the DAS commissioner and the Institute for Sustainable Energy, to exempt a facility from complying if the cost of compliance significantly outweighed the benefits. The act establishes a more specific standard by limiting exemptions to instances where the measures needed to comply with the regulations are not "cost effective" (i.e., savings from the measures over a 10-year period do not exceed the costs). It also adds the Office of Policy and Management (OPM) secretary to the entities with whom the DEEP commissioner must consult before granting this exemption.

Under the act, the DEEP commissioner, in consultation with the DAS commissioner and the Institute for Sustainable Energy, must also exempt any facility if, under the new regulations, it cannot be defined as an eligible building type by EPA's Energy Star Target Finder tool. Under these circumstances, the act requires the exempt facility to meet the more stringent requirement of (1) exceeding, by at least 20%, the energy building construction standards of the 2007 American Society of Heating, Ventilating, and Air Conditioning Engineers Standard 90.1 or (2) adhering to the current State Building Code.
EFFECTIVE DATE: October 1, 2014

§§ 20, 22, 26, 28, 30, 36, 48, 49, 52, 55, 63, & 82 — CEAB AND SITING COUNCIL RFP PROCESS

The act dissolves CEAB, a nine-member board that, among other things, reported to the General Assembly on the status of DEEP programs and reviewed requests from the General Assembly. Prior law also required it to issue RFPs for alternative sites when applications for siting certain electric transmission lines, fuel transmission facilities, large electric generation facilities, or electric substations were filed with the Connecticut Siting Council. The act eliminates this RFP process.

§ 36 — Siting Council Deadlines

The act potentially accelerates the deadline for certain Siting Council decisions on siting facilities which, under prior law, triggered CEAB's RFP process. Under the act, the Siting Council must issue a decision:

1. within 12 months after an application for siting electric transmission lines or fuel transmission facilities is filed, instead of within 12 months after the application deadline, and
2. within 180 days after an application for siting a large electric generation

facilities or electric substation or switchyard is filed, instead of within 180 days after the application deadline.

§ 21 — THE BRIDGEPORT THERMAL LIMITED LIABILITY COMPANY

The act makes NuPower Thermal, LLC a thermal energy transportation company named Bridgeport Thermal Limited Liability Company for an unlimited duration in the city of Bridgeport. The company or its parent, subsidiary, or affiliate can (1) provide heat, air conditioning, or both, from plants in Bridgeport; (2) install and maintain mains, pipes, or other fixtures on public grounds for this purpose; and (3) lease its plants or distribution systems to other entities authorized to furnish heat, air conditioning, or both. The company's members must determine capital contribution requirements for members and the number of authorized membership units.

§§ 23-24 & 29 — CEFIA

§ 29 — CEFIA Name Change

The act renames CEFIA as the Connecticut Green Bank ("Green Bank") and makes it a successor agency to CEFIA for purposes of administering the Clean Energy Fund.

§ 23 — C-PACE Microgrids

The act expands the projects eligible to participate in the C-PACE program to include microgrids, and their related infrastructure, that incorporate clean energy. By law, C-PACE allows the Green Bank to enter into agreements with commercial property owners in participating municipalities to finance energy efficiency or renewable energy improvements. The cost of the improvements is repaid by an assessment on the property, backed by a lien.

By law, a "microgrid" is a group of interconnected electricity users and generators that (1) is within clearly defined boundaries, (2) acts as a single controllable entity in respect to the larger grid, and (3) can operate as either a part of the grid or independently. "Clean energy" includes, among other sources, solar photovoltaic, wind, fuel cells, and certain types of hydropower.

§ 24 — Residential PACE Study

The act requires the Green Bank, by January 1, 2015, to submit a report to the Energy and Technology Committee on a residential property assessed clean energy program. The report must evaluate the (1) potential consistency between such a program and C-PACE and similar national programs and (2) legal framework and need for a program. (State law allows a residential PACE program, however implementation has been effectively blocked by the Federal Housing Finance Agency.)

§ 25 — PROJECT 150 EXTENSIONS

The law requires (1) electric companies to enter into long-term contracts to buy 150 megawatts of power produced at renewable energy plants (Project 150) and (2) PURA to grant an in-service date extension of up to 24 months to requesting Project 150 plants with less than a 5 megawatt capacity. The act increases this extension to up to 36 months and requires the (1) requesting project to start construction by April 30, 2015 and (2) related power procurement contract to have been previously approved by PURA.

§§ 32-35 — ELECTRIC COMPANY COST RECOVERY

Prior law allowed the DEEP commissioner, under certain conditions, to solicit proposals from Class I renewable energy sources built on or after January 1, 2013. The act instead requires him to solicit such proposals.

The law also allows him, under certain conditions, to solicit proposals from (1) Class I resources built before January 1, 2013 or large-scale hydropower and (2) Class I run-of-the-river hydropower, landfill methane gas, or biomass resources. It additionally requires him to solicit proposals from operational Class I providers if he finds that a material shortage of Class I resources caused an electric company or electric supplier to fail to meet its Renewable Portfolio Standard (RPS) obligations.

By law, if the commissioner finds that any of the above solicited proposals meet certain criteria, he may (or in the case of an RPS-related shortage, must) direct the electric companies to enter into agreements with the providers to purchase energy, generating capacity, and environmental attributes (e.g., the renewable energy credits used to comply with the RPS), subject to PURA approval. The net costs of the agreements must be recovered through a fully reconciling component of electric rates for all of the electric companies' customers.

Prior law allowed these recoverable net costs to include reasonable costs incurred by electric companies under these provisions. The act instead requires them to include the (1) costs incurred under such agreements and (2) reasonable costs incurred in connection with them.

§§ 38-47 — CALL BEFORE YOU DIG

The act expands the scope of, and makes several changes to, the state's Call Before You Dig program, which requires public utility companies to file the locations of their underground facilities (e.g., pipelines) with a PURA-supervised central clearinghouse. People must notify the clearinghouse before commencing certain projects. The clearinghouse then notifies the utility, which provides its facilities' approximate underground location.

§§ 38 & 39 — Covered Utilities and Projects

The act changes the definition of "public utility" to (1) include owners or operators of underground facilities that furnish communications or fire signal services and (2) exclude owners of facilities that provide a utility service solely for the owner's private residence. It also broadens the definition to include any

services similar to those specified in law.

By law, any person, public agency, or public utility must notify the central clearinghouse when they propose to excavate, discharge explosives at or near the location of public utility facilities, or demolish a structure containing a public utility facility. The act expands this requirement to include all discharge of explosives, regardless of location, and all demolitions. It also expands the definition of "excavation" to include reclamation processes, milling, and dredging (except for dredging associated with the production and harvesting of aquaculture crops).

§§ 38 & 40 — Underground Facility Locations

The law requires a utility to identify a strip of land up to three feet wide when providing the approximate location of its underground facilities. The act increases the location's precision by requiring the strip of land to be centered on the underground facility's actual location.

Prior law required public utilities to file their underground facilities' location (except for storm sewers) by reference to a PURA-established standard grid system. The act instead requires them to register the geographic areas in which they own or operate any underground facilities by reference to a standard mapping system established by the clearinghouse.

§§ 42 & 44 — Notice Requirements

Prior law required a person to notify the clearinghouse (1) between two and 30 days before starting a project and (2) if the project did not start within 30 days of the notice. The act deletes the statutory requirements concerning the notification timeline and methods and instead directs PURA to promulgate regulations to govern this process.

Under certain emergency circumstances, prior law allowed an excavation or demolition to proceed without meeting the notice requirements as long as notice was given by telephone as soon as reasonably possible. The act instead allows this notice to be given in any form.

§ 45 — Precautions for Combustible or Hazardous Fluids or Gases

The act expands a requirement to use hand digging around certain combustible utility facilities. Prior law required it whenever gas facilities were likely to be exposed, but the act instead requires it when an excavation is within the approximate location of any facilities containing any combustible or hazardous fluids (e.g., oil) or gases. In addition to hand digging, it allows "soft digging," a non-mechanical and nondestructive process using high pressure water or an air jet to break up the soil. It also requires such precautions whenever excavation is in the approximate location of these facilities.

§§ 38 & 46 — Damage

The law requires a person to immediately notify a utility if he or she makes contact with, damages, or suspects that he or she damaged the utility's

underground facilities. Prior law specified that the substantial weakening of a utility line's structural or lateral support was considered "damage." The act instead specifies that "damage" includes the substantial weakening of a utility facility's structural or lateral support that imperils its continued integrity.
EFFECTIVE DATE: October 1, 2015

§§ 50 & 53 — WATER SYSTEM EXTENSIONS

The act expands PURA's jurisdiction over troubled water providers to include deficient well systems, under certain circumstances. It allows PURA to order an investor-owned water company to extend its system to supply water to properties that PURA determines are served by a deficient well system. But it must do so only (1) in consultation with DPH, (2) at an investor-owned water company's request, and (3) if the costs are reasonable. The company may recover any costs of such an extension as they would for other PURA-ordered acquisitions of troubled water companies (i.e., through a rate surcharge).

Under the act, deficient well systems serve existing properties within a defined geographic area with at least 25 people served by private wells that:

1. fail to meet public health standards for potable water;
2. have had state funding for filters to address documented groundwater contamination discontinued;
3. are otherwise unable to serve the properties with adequate water quality, volume, or pressure; or
4. limit the system's on-site resolution of documented wastewater disposal issues.

As with other water companies that have not complied with certain PURA or DPH orders or are not economically viable, the act also allows PURA, in consultation with DPH, to order a private or public entity to acquire the deficient well system. It can issue such an order after notice and hearing and considering various factors, including (1) the geographical proximity of the acquiring entity's plant to the well system; (2) whether the acquiring entity can operate in a reliable and efficient manner to provide continuous, adequate service to the wells system's users; (3) the acquiring entity's current rates; and (4) any other factors PURA deems relevant (CGS § 16-262o).

§ 51 — GAS EXPANSION NONFIRM MARGIN CREDITS

Ratepayer Credits

The gas companies provide gas on a nonfirm (interruptible) basis to some of their nonresidential customers and receive a credit for providing this service. Prior law required PURA to assign at least half of this nonfirm margin credit to offset the rate base of the gas companies, the costs of which are recovered from ratepayers. The act instead requires this portion of the nonfirm margin credit to be credited to ratepayers though a purchased gas adjustment clause.

Offset of Expansion Costs

The law also requires PURA to assign the lesser of (1) half of this credit or (2) $15 million annually from the credit, for the companies to offset their expansion costs. However, under prior law, these funds could only be applied to offset the costs of expanding to new state, municipal, commercial, or industrial customers when it provided societal benefits (e.g., retained employment or local economic development). The act instead allows these funds to be used to offset the costs of expanding to any type of customer, regardless of whether it provides societal benefits.

Hurdle Rate

By law, when a gas company seeks to expand its distribution system, it determines whether the projected new distribution revenues will equal or exceed the cost of the expansion over a 25-year period (i.e., the "hurdle rate"). If the expansion will pay for itself in this period, all gas ratepayers pay for it in rates. If it does not, the new customers must pay for the shortfall. The act requires PURA, when establishing a hurdle rate, to also consider the nonfirm margin credits the gas company can use to offset its expansion costs.

§ 54 — NONPROFIT METER AGGREGATION STUDY

The act requires PURA to study the feasibility of allowing a nonprofit entity to aggregate its billable electric meters. The study must include potential costs and benefits to electric ratepayers for allowing the aggregation. PURA must submit its findings and recommendations to the Energy and Technology Committee by January 1, 2015.

§§ 56 & 57 —SOLAR THERMAL AND GEOTHERMAL ENERGY SYSTEM PROPERTY TAX EXEMPTIONS

The law provides property tax exemptions, subject to certain conditions, for residential, agricultural, commercial, or industrial installations of solar thermal (e.g., solar heated water) or geothermal energy systems. The act limits this exemption to the amount that the system's unconventional portion increases the property's assessed valuation. The added value of the system's "conventional portion," which presumably includes pipes and other conduits that might exist on a property without the installed system, is not exempted. This exemption applies to (1) residential or agricultural systems installed on or after October 1, 2007 and (2) commercial or industrial systems installed on or after January 1, 2014.

For commercial or industrial systems installed on or after January 1, 2014, including Class I systems, the law also requires the system's nameplate capacity to be less than its location's load (i.e., it cannot produce more power than necessary for its site). The act specifies that for Class I systems participating in virtual net metering, this limit applies to the systems' aggregated load. (Virtual net metering allows the energy generated by certain renewable energy systems to be shared among various metered users. Thus, under the act, the exempt system's capacity cannot exceed these users' combined demand.)

EFFECTIVE DATE: Upon passage and applicable to assessment years starting on

and after October 1, 2014.

§§ 58-62 — ELECTRIC SUPPLIER CONSUMER PROTECTIONS

§ 58 — Electric Company Bills

PA 14-75 requires PURA to redesign electric bills so that electric companies must include certain information on the front page of their residential customers' bills. The act limits this requirement to the bills for residential customers who are receiving electric generation service from an electric supplier.

§ 59 — Electric Company Billing Inserts

PA 14-75 requires electric companies, for the next year, to send quarterly bill inserts with certain information to residential customers. The act requires these inserts to list (1) the standard service rate, instead of the electric generation service rate, and (2) any change to the standard service rate at least 45 days before it becomes effective, instead of within 45 days after PURA approved it.

§ 60 — Supplier Disclosure of Highest and Lowest Variable Rates

PA 14-75 requires electric suppliers to monthly post their highest and lowest variable rates charged to any standard service-eligible customer in each of the past 12 months. The act specifies that these posted rates must only be those charged to customers with a peak demand less than 50 kilowatts during a 12-month period for all of a customer's meters (i.e., the peak demand for customers with multiple locations must be aggregated).
EFFECTIVE DATE: July 1, 2014

§ 61 — Contract Summary Forms

The act requires certain electric supplier notice requirements to remain in effect until the standard summary form required by PA 14-75 is developed, rather than until January 1, 2015 (the deadline by which PA 14-75 requires PURA to start developing the summary form).

§ 62 — Supplier Notice of 25% Rate Increases

PA 14-75 requires electric suppliers to notify customers of any 25% rate increases. The act limits this requirement to contracts entered into after June 6, 2014. It also specifies that the first notice requirement applies to rate increases that are 25% more than the original contract price, and subsequent notice requirements apply to rate increases that are 25% more than the most recent rate change notice.

§§ 64-82 — ADMINISTRATIVE STREAMLINING AT DEEP

§§ 64-65 & 67-81 — Solid Waste Management Plans

Prior law required the DEEP commissioner to prepare a temporary state solid waste management plan that was effective until a subsequent statewide plan was

adopted. The statewide solid waste management plan was adopted in 1991 and amended in 2006. The act repeals the temporary plan requirement and replaces references to it with ones to the current statewide plan. (Section 3 of this act requires DEEP to revise the current plan by July 1, 2016.)

The act also repeals a requirement that municipalities with landfills to be closed by October 1, 1986 submit solid waste management plans to the commissioner and regional planning agencies for review and approval.

§ 66 — Electronics Recycling Program Reports

The law requires the DEEP commissioner to prepare an (1) electronics recycling plan establishing collection and recycling goals and necessary actions every three years and (2) annual report on the electronics recycling program's status. The act eliminates the requirement that copies of the plan and report be submitted to the Environment Committee. It requires the annual report to be posted on DEEP's website, as is currently required for the recycling plan.

§ 82 — Identifying Solid Waste Facilities

The act repeals a statute requiring the DEEP commissioner to identify solid waste facilities with capacity to accept waste from municipalities without landfills or certain disposal contracts. Prior law required him to do this when the chief executive officer of a municipality without a landfill or contract for disposal at a waste-to-energy plant or incinerator requested it.

EFFECTIVE DATE: Upon passage, except for the electronics recycling program provision, which takes effect October 1, 2014 and a conforming change, which takes effect January 1, 2015.

BACKGROUND

MIRA's Functions, Powers, and Duties

MIRA, formerly CRRA, is a quasi-public agency that, among other things, builds and operates solid waste disposal, recycling, and resources recovery facilities. Its powers include:

1. employing staff and setting staff responsibilities and compensation,
2. entering into contracts or agreements,
3. charging reasonable fees for its services,
4. investing funds not needed for immediate use, and
5. adopting regular procedures (CGS § 22a-265a).

OLR Tracking: LRH:KLM:JKL:ro